

(2) (3)

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|-------------------------------|-------------------------------|------------------|
| <b>Notice of Allowability</b> | Application No.               | Applicant(s)     |
|                               | 09/644,117                    | SKAANNING ET AL. |
|                               | Examiner<br>Michael B. Holmes | Art Unit<br>2121 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to August 22, 2000.
2.  The allowed claim(s) is/are 1-38.
3.  The drawings filed on 22 August 2000 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

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**Examiner's Detailed Action**

**1. Claims 1-38 are allowed.**

**Reason(s) for allowance**

**2. The following is the Examiner's statement for the reasons for allowance:**

The closest prior art Baker (USPN 6,076,083) does not explicitly teach or render obvious the limitations embodied in claim 1, step (d) & (e) of applicant's invention. Specifically, step (d) determining whether a predetermined number of diagnostic sequences provided an acceptable resolution and step (e) accepting the diagnostic model when in step (d) it is determined that the predetermined number of diagnostic sequences provide an acceptable resolution.

These specific constellation of elements are not explicitly disclosed or rendered obvious by the cited prior art. Therefore, on the basis and to the extent that these elements do not explicitly exist or rendered obvious, applicant's claimed invention is allowed over the cited prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and in order to avoid processing delays, should preferably accompany the issue fee. Moreover, such submissions should be clearly labeled "Comments Regarding Statement of Reason for Allowance."

## Correspondence Information

3. Any inquires concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est. If you need to contact the Examiner, regarding After Final concerns, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7240**. If you need to send a Non-Official or Draft facsimile transmission, please send it to **(703) 746-7239**.

If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor, Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed too:

**Director of Patents and Trademarks Washington, D.C. 20231, or Hand-delivered**  
responses should be delivered to the **Receptionist, located on the fourth floor of**  
**Crystal Park II, 2121 Crystal Drive Arlington, Virginia.**

**Michael B. Holmes**  
Patent Examiner  
Artificial Intelligence  
Art Unit 2121  
United States Department of Commerce  
Patent & Trademark Office

*Ramesh Patel*  
RAMESH PATEL 7/26/04  
PRIMARY EXAMINER  
*For Anthony Knight*